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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,023	09/29/2003	David W. Pedlar	1578.620 (11157-US-PAT)	4511
44208	7590	09/14/2010	EXAMINER	
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			ART UNIT	PAPER NUMBER
			2617	
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			09/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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portfolioprossecution@rim.com

Office Action Summary	Application No. 10/674,023	Applicant(s) PEDLAR ET AL.	
	Examiner FRED A. CASCA	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's Appeal Brief filed on July 01, 2010. Claims 1 and 3-10 are still pending in the present application.

Withdrawing Finality after an appeal

2. In view of the Appeal Brief filed on July 01, 2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, and 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of Seo et al (US 2003/0185159 A1).

Referring to claim 1, Kim discloses a method of performing a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13), and detecting, at the user equipment, a trigger event which indicates that a cell update is required (Par. 59, lines 4-7, "moving from the existing cell to a neighboring cell") and delaying initiation of the cell update until the reconfiguration has been applied (Par. 38-39, 45 and 59, note that before cell update first a Radio Bearer Setup process is performed, then a Radio Bearer Reconfiguration process is performed and then the Cell Update is preformed. Further note that the reconfiguration information is received by the UE, then the UE sends a confirmation of the reconfiguration and then the cell update starts).

Kim does not specifically disclose that the reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached.

Seo discloses that a reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached (Par. 86, 109, Figures 6-8, 10, 13, Par. 79, 94, 103, and 118, note that the activation time is received through the Radio link Reconfiguration Commit message and the activation time indicates a starting time, thus, a it causes a delay).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of Seo, and consequently including the activation time in the reconfiguration command and providing delaying of application for reconfiguration, for the purpose of providing an efficient cell-selection procedure.

Referring to claim 3, Kim discloses a method of handling a cell update during a reconfiguration procedure in a user equipment, the user equipment configured for use in a communications system (Figures 2-3 and abstract), the method comprising:

receiving, at the user equipment, a reconfiguration command from the communications system (Fig. 2 and Par. 57, lines 3-13), and detecting, at the user equipment, a

trigger event which indicates that a cell update is required (Par. 59, lines 4-7, "moving from the existing cell to a neighboring cell") and suppressing the cell update depending on the trigger event (Fig. 3 and Par. 59, note that "The cell update process is performed by the UE when the UE enters a cell update region by moving from the existing cell to a neighboring cell", thus, the cell update is suppressed (not performed) when there is no entering of the UE into a neighboring cell. The event is equivalent to the movement of the UE into a neighboring cell or cell update region).

Kim does not specifically disclose that the reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached

Seo discloses a reconfiguration command includes an activation time identifying a delay of application of a reconfiguration until the activation time has been reached (Par. 86, 109, Figures 6-8, 10, 13, Par. 79, 94, 103, and 118, note that the activation time is received through the Radio link Reconfiguration Commit message and the activation time indicates a starting time, thus, a it causes a delay).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Kim as claimed by applicant by incorporating the teachings of Seo, and consequently including the activation time in the reconfiguration command and providing delaying of application for reconfiguration, for the purpose of providing an efficient cell-selection procedure.

Claim 6 recites features analogous to the features of claim 1, thus the combination of Kim/Seo discloses all elements of claim 6.

Claim 8 recites features analogous to the features of claim 3, thus the combination of Kim/Seo discloses all elements of claim 8.

5. Claims 4,7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of Seo et al (US 2003/0185159 A1) and further in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181).

Referring to claims 4 and 9, the combination of Kim/Seo discloses methods according to claims 1 and 3.

The combination is silent on the user equipment being configured to communicate with a UTRAN in a UMTS communications system, comprising suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration.

TSGR#2(99)181 discloses a user equipment being configured to communicate with a UTRAN in a UMTS communications system, comprising suppressing the cell update depending on the relevance of the trigger event to the UTRAN after reconfiguration (TSGR#2(99)181, pages 1-3).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient cell-selection procedure.

Referring to claim 7, the combinations of Kim/Seo disclose a user equipment according to claim 6.

The combination is silent on a timer arranged to cooperate with the controller for delaying initiation of the cell update.

TSGR#2(99)181 discloses such a feature in pages 1-3.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the combination in the format claimed for the purpose of providing an efficient cell-selection procedure.

6. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 2003/0231612 A1), in view of Seo (2003/0185159), further in view of TSG-RAN Working Group 2 – TSGR#2(99)181 (hereafter TSG#2(99)181) and still further in view of well known prior art (MPEP 2144.03).

Referring to claims 5 and 10, the above combinations disclose methods according to claims 4 and 9.

The combinations do not specifically disclose suppressing the cell update when the trigger event comprises a radio link failure.

The examiner takes official notice of the fact that suppressing or disabling a cell update during movement of a cellular phone from a current cell to an adjacent cell is well-known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the methods of claims 4 and 9 by incorporating the concepts of prior art for the purpose of preventing packet loss during the link failure.

Response to Arguments

7. Applicant's arguments filed on July 01, 2010 have been fully considered but moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chao et al. U.S. Pub. No. 2008/0171554 A1 discloses a method for sending a reconfiguration message including activation time and additional features recited in the present application.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Harper, can be reached at (571) 272-7605. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Fred A. Casca/

Examiner, Art Unit 2617

/VINCENT P. HARPER/

Supervisory Patent Examiner, Art Unit 2617